

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Javier MACHORRO-Garcia (1)  
Raul GARICA-Velez (2)  
Christian LOZANO-Coutino (3)  
Defendants

) Mag. Case No. **'07 MJ 88 22**  
) COMPLAINT FOR VIOLATION OF:  
)  
) Title 8, U.S.C., Section 1324  
) (a)(1)(A)(ii) -Illegal Transportation of  
) Alien(s)  
)  
)  
)

The undersigned complainant, being duly sworn, states:

On or about September 27, 2007, within the Southern District of California, defendants Javier MACHORRO-Garcia, Raul GARICA-Velez and Cristian LOZANO-Coutino, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Fernando DE LA ROSA-Perez, Delia NAVOR-Fuentes and Griselda RAYON-Ramirez had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which, is incorporated herein by reference.

*[Signature]*  
Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 1<sup>st</sup> DAY OF OCTOBER 2007.

*[Signature]*  
Peter C. Lewis  
United States Magistrate Judge

I, Senior Border Patrol Agent Juan Suarez declare under penalty of Perjury, the following is true and correct:

## PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent A. Mills, that the defendants were found and arrested on or about September 28, 2007 Calexico, California.

At approximately 6:55 a.m., BPA A. Mills, observed nine suspected illegal aliens near the Calexico Commercial Port of Entry. BPA Mills observed two individuals from the group, one later identified as Raul GARCIA-Velez, wearing a gray t-shirt and the other, later identified as Cristian LOZANO-Coutino, wearing a red and gray sweater. BPA Mills observed GARCIA and LOZANO motion to the group to go north from the Port of Entry. This is a familiar tactic used by foot guides smuggling illegal aliens in this area

BPA Vega-Torres observed the group as they stopped and hid in some brush on the east side of Highway 7. BPA Vega-Torres observed GARCIA, talking on a cellular phone and motioning with his hands to some of the individuals in the group. BPA Vega-Torres observed LOZANO lead three of the suspected illegal aliens north to the USA Gas Station. BPA Vega-Torres observed LOZANO making hand gestures for the three suspected illegal aliens to follow him. BPA Vega-Torres observed a white Oldsmobile Cutlass pull into the parking lot and park in front of the Gas Station. BPA Vega-Torres observed LOZANO and the three suspected illegal aliens walk over to the Cutlass and get in. BPA Vega-Torres could clearly see the driver of the Cutlass, later identified as Javier MACHORRO-Garcia, and that he was wearing a white shirt. MACHORRO then exited the parking lot and proceeded north on Highway 7.

BPA Mills followed the Cutlass northbound on Highway 7 to Highway 98 where it continued westbound.

BPA Mills activated the lights and sirens on his service vehicle in an attempt to stop MACHORRO and the Cutlass. MACHORRO ignored their lights and sirens and continued driving westbound on Highway 98. Failing to yield for approximately one mile, MACHORRO pulled over to the shoulder of the highway just before reaching an area where a Controlled Tire Deflation Device could be used against the Cutlass.

BPA Mills identified himself as a United States Border Patrol Agent to MACHORRO, who was still seated behind the steering wheel. Agent Mills questioned MACHORRO and determined him to be a citizen of Mexico illegally in the United States. BPA Vega-Torres questioned LOZANO and the three suspected illegal aliens. All four claimed to be citizens of Mexico illegally in the United States. All the individuals were placed under arrest.

BPA Markham then approached GARCIA and the four suspected illegal aliens who were still hiding near Highway 7. BPA Markham identified himself to the group as a United States Border Patrol Agent and questioned them. It was determined that GARCIA and the four suspected illegal aliens are citizens of Mexico illegally in the United States. GARCIA and the four smuggled illegal aliens were subsequently arrested.

At the station, BPA Vega-Torres read MACHORRO his rights per Miranda. BPA Sandoval witnessed this. MACHORRO stated he intended to travel to Mexicali where he

was going to cross into the United States illegally. MACHORRO stated the smuggler told him if he crossed and helped to pick up some other illegal aliens, he would only have to pay half of the \$2500. MACHORRO stated he agreed to the terms and would smuggle the other illegal aliens. MACHORRO stated while driving to Calexico on the highway, he saw lights and heard a siren behind him. MACHORRO stated he continued driving and then finally pulled over. MACHORRO stated he was behind the steering wheel when he was arrested.

BPA Vega-Torres read GARCIA his rights per Miranda. BPA Sandoval witnessed this. GARCIA stated that he was going to be paid \$100 for each illegal alien he successfully smuggled into the United States. GARCIA stated he met up with the illegal aliens and another guide, who was wearing a red sweater. GARCIA stated they crossed the border by crawling over the bridge at the port of entry. GARCIA stated he and the other guide were at the back of the group and were instructing the illegal aliens to keep moving by waiving and yelling at them.

BPA Vega-Torres read LOZANO his rights per Miranda. BPA Sandoval witnessed this. LOZANO stated on today's date he met with another guide and seven illegal aliens. LOZANO stated he and the other guide crossed the group of illegal aliens into the United States using the bridge at the port of entry. LOZANO stated he told the illegal aliens to follow him north. LOZANO stated he and three of the illegal aliens split from the group and went to a gas station to be picked up. LOZANO stated that he got into the car and the driver told him to signal for the three illegal aliens to get into the car as well.

LOZANO was shown six-pack Photo Lineups #1 and #2. From photo line-up #1 LOZANO positively identified Photo #1, Javier MACHORRO-Garcia, as the driver of the Cutlass. From photo-lineup #2, LOZANO positively identified Photo #2, Raul GARCIA-Velez, as the other guide.

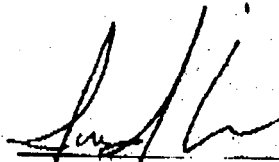
Material Witnesses Fernando DE LA ROSA-Perez, Delia NAVOR-Fuentes and Gridelda RAYON-Ramirez state they are citizens of Mexico illegally in the United States. DE LA ROSA, NAVOR and RAYON state they agreed to pay an unknown smuggler between \$2,000.00 and \$2,300.000 to be smuggled into the United States. DE LA ROSA, NAVOR and RAYON positively identified Photo #2, Raul GARCIA-Velez, in Photo Lineup #2 as one of the guides. NAVOR positively identified Photo #3, Cristian LOZANO-Coutino, in Photo Lineup #3 as the other guide that was arrested in the Cutlass.

The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Fernando DE LA ROSA-Perez	Mexico
Delia NAVOR-Fuentes	Mexico
Gridelda RAYON-Ramirez	Mexico

Further, complainant states that Fernando DE LA ROSA-Perez, Delia NAVOR-Fuentes, and Gridelda RAYON-Ramirez are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on September 28, 2007 at 5:30 p.m.

  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 pages, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on September 28, 2007 in violation of Title 8, United States Code, 1324.

  
United States Magistrate Judge

9/29/2007 at  
Date/Time 6:50 a.m.

Re: MACHORRO - GARCIA  
GARCIA - VELAZQUEZ  
LOZANO - CONTRERAS

LAZANO-MACHORRO-GARCIA